

Michael Fuller, OSB No. 09357

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Of Attorneys for Ms. Miles

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

COLLEEN MILES

Plaintiff

vs

TLC RESORTS LLC

Defendant

Case No. 3:18-cv-2160

COMPLAINT

Elder Abuse

28 U.S.C. § 1332

Demand for Jury Trial

1.

JURISDICTION AND THE PARTIES

This Court has jurisdiction under 28 U.S.C. § 1332 because Ms. Miles is a citizen of Oregon and defendant is a citizen of Nevada and the amount in controversy exceeds \$75,000.

2.

Plaintiff Ms. Colleen Miles is an elderly and vulnerable person as defined at ORS 124.100(1).

3.

In May 2016, in the regular course of its business, defendant purposefully and repeatedly attempted to consummate a vacation club transaction with Ms. Miles after learning she was an Oregon resident. Defendant purposefully used the United States Postal Service to direct letters to Oregon to communicate with Ms. Miles, purposefully directed phone calls to Oregon to speak with Ms. Miles, and purposefully withdrew funds from an Oregon bank account owned by Ms. Miles.

4.

Defendant TLC Resorts LLC is a Nevada limited liability company and a person subject to a civil action for abuse under ORS 124.115. In the regular course of its vacation club business, defendant purposefully targets out-of-state consumers known to be from Oregon in hopes of consummating transactions with them.

5.

FACTUAL ALLEGATIONS

This complaint's allegations are based on personal knowledge as to Ms. Miles's behavior and made on information and belief as to the behavior of others. Ms. Miles is a 68-year-old woman living in Portland, Oregon whose sole income is exempt government benefits. Ms. Miles is represented pro bono in this case because she cannot afford to hire an attorney.

6.

As alleged in this complaint, defendant financially abused Ms. Miles by wrongfully taking her money in a coercive transaction for vacation club services for which defendant knew she stood to receive no material benefit, then wrongfully taking even more money from Ms. Miles's Oregon bank account without permission and against her wishes.

7.

In May 2016, defendant used deceptive theatrics and fraudulent drama for over six hours to deceive Ms. Miles into signing its vacation club paperwork, including the use of shills, and the literal ringing of loud bells under false pretenses. Defendant pressured Ms. Miles with misleading offers for free services and false promises of gifts to make her feel obligated to sign its paperwork.

8.

When Ms. Miles resisted the persistent advances of defendant's opener salesperson, defendant replaced the opener salesperson with a closer salesperson who used even more aggressive tactics, predatory schemes, and duress to coerce Ms. Miles into signing defendant's paperwork.

9.

Defendant preyed upon Ms. Miles's status as an elderly and vulnerable person and lied to her by claiming that signing its paperwork would provide her family with an investment she could pass along to her children when she died.

10.

After over six hours of deceptive theatrics, fraudulent drama, deception, shills, loud bells, pressure, misleading offers, false promises, aggressive tactics, predatory schemes, duress, coercion, and lies, Ms. Miles eventually broke down and signed defendant's paperwork, to her financial detriment.

11.

As soon as Ms. Miles's will was broken, defendant quickly rushed Ms. Miles through its paperwork without providing her any meaningful opportunity to read what she was signing.

12.

Soon after signing, Ms. Miles returned in hopes of canceling defendant's paperwork but she was unsuccessful. Ms. Miles never once used defendant's vacation club services or took a single vacation with defendant. When Ms. Miles could no longer afford to pay according to defendant's terms, defendant wrongfully took money from her Oregon bank account without her permission and against her wishes.

13.

As a result of defendant's behavior as alleged in this complaint, Ms. Miles suffered economic and noneconomic damages in excess of \$75,000, including loss of money, stress, embarrassment, uncontrolled crying, upset stomach, interference with her normal and usual activities, and other severe and ongoing emotional harm commonly associated with financial elder abuse.

14.

CLAIM FOR RELIEF

As alleged in this complaint, defendant wrongfully took money from Ms. Miles in violation of ORS 124.110. As a result, under ORS 124.100(2), Ms. Miles requests compensation equal to three times her economic and noneconomic damages, and reasonable fees and costs and expenses.

15.

JURY TRIAL REQUEST

Ms. Miles requests a trial by jury.

16.

PRAYER FOR RELIEF

After a determination that defendant violated ORS 124.100, Ms. Miles requests a money judgment in her favor for relief as sought in paragraph 14.

Ms. Miles also seeks any equitable relief this Court may determine is just and proper and may intend to amend this complaint to include additional defendants and additional claims as information is learned in discovery.

December 16, 2018

RESPECTFULLY FILED,

s/ Michael Fuller

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PROOF OF MAILING

I declare and certify that on the date below I caused a copy of this complaint to be mailed to the following:

**Ellen Rosenblum
Oregon Attorney General
Oregon Department of Justice
1162 Court Street NE
Salem, Oregon 97301-4096**

December 16, 2018

s/ Michael Fuller
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